

CHAPTER 6

COMPLIANCE, REGULATORY REQUIREMENTS, AND PERMITS FOR DOMESTIC PROGRAMMATIC ALTERNATIVES

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COMPLIANCE, REGULATORY REQUIREMENTS, AND PERMITS FOR DOMESTIC PROGRAMMATIC ALTERNATIVES

Chapter 6 describes the environment, health and safety statutes and regulations, U.S. Department of Energy (DOE) Directives, and Executive Orders that potentially apply to the domestic programmatic alternatives in the Global Nuclear Energy Partnership (GNEP) Programmatic Environmental Impact Statement (PEIS). Concluding this chapter is a discussion of consultations relevant to the PEIS.

6.1 INTRODUCTION

This chapter provides information concerning the environmental standards that could impact proposed plans for the domestic programmatic alternatives presented in the Global Nuclear Energy Partnership (GNEP) Programmatic Environmental Impact Statement (PEIS). This section presents primary environment, health and safety compliance, licensing and other permit requirements that could affect the implementation of the alternatives. These requirements are found in Federal and state statutes, regulations, permits, approvals, and consultations, in Executive Orders, and in U.S. Department of Energy (DOE) Directives. The citations identify the standards to be used for evaluating the ability of the potential future actions to implement alternatives to meet environmental, safety, and health requirements and for obtaining required Federal permits and licenses.

6.2 BACKGROUND

In general, Federal statutes establish national policies, create legal requirements, and authorize Federal agencies to create regulations that conform to statutes. These statutes are administered by various Federal agencies including: DOE, Nuclear Regulatory Commission (NRC), Environmental Protection Agency (EPA), Department of Transportation (DOT), and Department of Labor (DOL). Executive Orders (EOs) are issued by the President and establish policies and requirements for Federal Executive Branch agencies. Some regulatory programs under EPA or NRC jurisdiction are administrated by state agencies in states having programs at least as stringent as the Federal program; however, both NRC and EPA retain oversight of the respective programs.

6.3 ENVIRONMENTAL STATUTES, ORDERS, AND AGREEMENTS

The *National Environmental Policy Act* (NEPA) requires that agencies analyze and consider the potential environmental impacts of proposed major Federal actions and alternatives before decisions are made and before actions are taken. The analysis also identifies measures that could be taken to avoid or mitigate potential impacts. Regulatory environmental protection requirements are designed to protect human health and the environment, including the air, water, and land. Identification of environmental protection statutes, regulations, and orders with

requirements that would be triggered by the alternatives is one means for examining actions that may harm the environment before making a decision to carry out an action. Principal requirements are identified by the applicable environmental statutes and regulations.

The *Atomic Energy Act* of 1954 (42 U.S.C. §2011 et seq.) (the “Act”), provides a framework for regulatory authority over the production, possession, use, and disposal of source, special nuclear, and byproduct material as those terms are defined in the Act. DOE and the NRC are successor agencies to the Atomic Energy Commission established by the Act. DOE retained regulatory authority over activities conducted by or on its behalf, except where NRC is specifically authorized by statute to regulate DOE activities. DOE is authorized to establish standards that protect health and minimize danger to life or property from activities under DOE’s jurisdiction (Section 161(b) of the Act). NRC was granted regulatory authority over commercial nuclear materials, facilities and activities. The NRC, or Agreement States to which NRC has transferred its regulatory authority, license commercial nuclear fuel facilities involved in the processing and fabrication of uranium ore into reactor fuel. Licenses for commercial nuclear power plants and their operators are also issued by the NRC and Agreement States. Licenses for other commercial activities involving radioactive materials, including waste management, are issued either by the NRC or by state governments under NRC-approved regulatory programs. The NRC focuses on protecting public health and safety, security, and the environment. Any new commercial nuclear facility (e.g., enrichment facility, fuel fabrication facility, spent nuclear fuel separations facility, or reactor) or technology addressed in the programmatic alternatives would be subject to permitting or licensing decisions by a number of different government agencies. Changes to the regulatory framework may be needed to enable the licensing of these nuclear facilities, some of which would be first-of-a-kind facilities.

The Federal Compliance with Pollution Control Standards, EO 12088 (43 FR 47707, October 13, 1978), requires Federal agencies, including DOE, to comply with applicable administrative and procedural pollution control standards established by, but not limited to, the *Clean Air Act* (CAA), *Noise Control Act*, *Clean Water Act* (CWA), *Safe Drinking Water Act* (SDWA), *Toxic Substances Control Act* (TSCA), and *Resource Conservation and Recovery Act* (RCRA). DOE Order 450.1B, the General Environmental Protection Program, establishes the environmental protection program requirements, authorities, and responsibilities for DOE operations. The *Federal Facility Compliance Act* waived sovereign immunity of the Federal government at Federal facilities under RCRA.

6.3.1 Federal Environmental Statutes and Regulations

Applicable environmental statutes and regulations can be categorized by environmental pathways: air, water, and land (which includes waste management and pollution prevention), and the subsequent impacts to worker safety and health, the public, and the natural environment. Table 6.3.1-1 lists Federal statutes and EOs that pertain to the control, remediation, and/or regulation of the environment and worker safety, grouped by resources to which each requirement pertains. For most requirements identified, the statute and corresponding regulatory citations are listed. Description of the basic environmental actions subject to each Federal statute and EO is also provided. DOE is committed to comply with all applicable environmental statutes, regulatory requirements, and Executive and internal orders. Table 6.3.1-2 lists the most pertinent DOE directives (orders, manuals, and notices) for the implementation of environmental, safety and health requirements.

TABLE 6.3.1-1—Major Federal Requirements and Executive Orders with Respect to Environmental Control Remediation and Worker Safety Arranged by Topic

Statute/Regulation/ Order	Statute Citation	Regulatory Citation	Agency	PEIS- Applicability: Permits, Approvals, and Notifications
Air Resources				
<i>Clean Air Act of 1970, as amended</i>	42 U.S.C. § 7401 et seq.	40 CFR Subchapter C	State	Requires sources to meet standards and obtain permits to satisfy National Ambient Air Quality Standards (NAAQS), State Implementation Plans, Standards of Performance for New Stationary Sources, National Emissions Standards for Hazardous Air Pollutants (NESHAP), and Prevention of Significant Deterioration.
National Ambient Air Quality Standards/State Implementation Plans	42 U.S.C. §§ 7409, 7410	40 CFR Parts 40, 50-53	EPA	Includes requirements for compliance with primary SO _x , NO _x , CO, O ₃ , Pb and particulate matter and secondary ambient air quality standards and emission limits/reduction measures as designated in each state's implementation plan. Additional emission standards under 40 CFR Part 63 are also applicable.
Standards of Performance for New Stationary Sources	42 U.S.C. § 7411	40 CFR Part 60	EPA	Establishes control/emission standards and record keeping requirements for new or modified sources specifically addressed by a standard.
National Emission Standards for Hazardous Air Pollutants	42 U.S.C. § 7412	40 CFR Parts 61, 63	EPA	Requires sources to comply with emission levels of radiological, carcinogenic, or mutagenic pollutants; may require a preconstruction approval, depending on the process being considered and the level of emissions that will result from the new or modified source.
Prevention of Significant Deterioration	42 U.S.C. § 7470 et seq.		EPA	Applies to areas that are in compliance with NAAQS. Requires comprehensive preconstruction review and the application of Best Available Control Technology to major stationary sources (emissions > t/yr) and major modifications; requires a preconstruction review of air quality impacts and the issuance of a construction permit from the responsible state agency setting forth emission limitations to protect the Prevention of Significant Deterioration increments.

TABLE 6.3.1-1—Major Federal Requirements and Executive Orders with Respect to Environmental Control Remediation and Worker Safety Arranged by Topic (continued)

Statute/Regulation/ Order	Statute Citation	Regulatory Citation	Agency	PEIS- Applicability: Permits, Approvals, and Notifications
Procurement Requirements and Policies for Federal Agencies for Ozone-Depleting Substances	EO 12843	58 FR 77	DOE, EPA	Requires Federal agencies to minimize procurement of ozone depleting substances and comply with Title VI of CAA Amendments with respect to stratospheric ozone protection and to recognize the limited availability of Class I substances until final phase out.
Greening the Government through Efficient Energy Management	EO 13123	64 FR 109	Council on Environmental Quality (CEQ)	Calls for Federal agencies to reduce greenhouse gas emissions by 30 percent and establish energy improvement goals.
			Water	
<i>Clean Water Act</i> , as amended	33 U.S.C. § 1251 et seq.	40 CFR Subchapter D	EPA	Requires EPA or state-issued permits and compliance with provisions of permits regarding point source and nonpoint source discharge of effluents to surface water or other activities affecting water quality.
National Pollutant Discharge Elimination System (Section 402 of CWA)	33 U.S.C. § 1342	40 CFR Parts 122-125	EPA	Requires permit to discharge effluents (pollutants) and storm waters to surface waters; permit modifications are required if discharge effluents change.
Dredged or Fill Material (Section 404 of CWA)	33 U.S.C. § 1344	33 CFR Parts 230, 233, 320, 323, 325 -338	U.S. Army Corps of Engineers (USACE)	Requires permits to authorize the discharge of dredged or fill material in wetlands or in waters of the U.S. and to authorize certain work in waters of the U.S. or structures affecting wetlands including the construction of cooling water intake and outfall structures.
<i>Rivers and Harbors Act of 1899</i>	33 U.S.C. § 403			Limitations on obstructions of navigable waters.
<i>Safe Drinking Water Act</i> , as amended	42 U.S.C. § 300f et seq.	40 CFR Parts 141-149	EPA	Requires permits for construction/operation of underground injection wells and subsequent discharging of effluents to ground aquifers and establishes minimum standards for drinking water at the tap.

TABLE 6.3.1-1—Major Federal Requirements and Executive Orders with Respect to Environmental Control Remediation and Worker Safety Arranged by Topic (continued)

Statute/Regulation/ Order	Statute Citation	Regulatory Citation	Agency	PEIS- Applicability: Permits, Approvals, and Notifications
		Cultural Resources		
<i>National Historic Preservation Act, as amended</i>	16 U.S.C. § 470 et seq.	36 CFR Parts 60, 61, 63, 65, 68, 78, 79, 656, 800-811, DOE G 450.1-3	President's Advisory Council on Historic Preservation	Requires DOE to take into account the effect of its actions on the historic properties present. Requires consultation with State Historic Preservation Officer (SHPO) and interested parties regarding determinations of effect and in mitigations developed to avoid or minimize adverse effects to cultural resources. The Advisory Council on Historic Preservation (AChP) may choose to participate in the consultation and any subsequent agreements. Federal agencies are also required to take responsibility for the curation of archaeological collections that are recovered from lands under their control or from their projects.
<i>National Historic Preservation</i>	EO 11593	NA	DOE	DOE, in consultation with the AChP (16 U.S.C. § 470i), is to institute procedures to assure Federal plans and programs that contribute to historic preservation and to proactively interact with the SHPO to identify structures, buildings, and properties to nominate for listing in the National Register of Historic Places (NRHP).
<i>Archaeological Resources Protection Act, as amended</i>	16 U.S.C. § 470aa et seq.	43 CFR Part 7	DOI	Requires a permit for the removal of archaeological resources from public land. If archaeological resources are discovered during construction, provides penalties for unauthorized removal or destruction.
<i>Native American Graves Protection and Repatriation Act</i>	25 U.S.C. § 3001 et seq.	43 CFR Part 10	DOE, Native American tribe(s), State	Describes the procedures to be followed if Native American cultural items and human remains are discovered during construction and the conditions under which these items can be removed or excavated.
<i>American Indian Religious Freedom Act (AIRFA)</i>	42 U.S.C. § 1996 et seq.		DOE, Native American tribe(s)	AIRFA affirms the right of Native Americans to have access to their sacred places. AIRFA promotes consultation with Indian religious practitioners to identify, maintain access, and avoid impacts to places of religious importance to Native Americans.
Indian Sacred Sites	EO 13007		DOE, Native American tribe(s)	Requires Federal agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites.

TABLE 6.3.1-1—Major Federal Requirements and Executive Orders with Respect to Environmental Control Remediation and Worker Safety Arranged by Topic (continued)

Statute/Regulation/ Order	Statute Citation	Regulatory Citation	Agency	PEIS- Applicability: Permits, Approvals, and Notifications
Consultation and Coordination with Indian Tribal Governments	EO 13175	DOE, Native American tribe(s)		Supplements the Executive Memorandum (dated Apr. 29, 1994) entitled “Government-to-Government Relations with Tribal Governments,” and states that each Executive branch department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with Tribal Governments prior to taking actions that affect federally recognized Tribal Governments. This EO also states that each Executive branch department and agency shall assess the impact of Federal government plans, projects, programs, and activities on Tribal trust resources and assure that Tribal Government rights and concerns are considered during the development of such plans, projects, programs, and activities.
Waste Management				
<i>Resource Conservation and Recovery Act, as amended</i>	42 U.S.C. § 6901 et seq.	40 CFR Parts 124, 260-282	EPA	Imposes regulatory permitting requirement with respect to hazardous waste generation, transportation, treatment, storage, or disposal facilities; changes to site hazardous waste operations could require amendments to RCRA hazardous waste permits involving public hearings. RCRA also regulates the underground storage tanks used to store petroleum and hazardous substances; recyclable used oil; and batteries, mercury thermostats, selected pesticides, and fluorescent/hazardous-waste lamps as universal wastes.
<i>Federal Facility Compliance Act of 1992</i>	42 U.S.C. § 6961			Among other things, waives sovereign immunity for Federal facilities under RCRA.
<i>Toxic Substances Control Act</i>	15 U.S.C. § 2601 et seq.	40 CFR Subchapter R	EPA	Provisions of TSCA require inventory reporting and chemical control provisions to protect the public from the risks of exposures to chemicals; strict limitations on use and disposal imposed on polychlorinated biphenyl, lead-based paint, and asbestos-contaminated equipment and material.

TABLE 6.3.1-1—Major Federal Requirements and Executive Orders with Respect to Environmental Control Remediation and Worker Safety Arranged by Topic (continued)

Statute/Regulation/ Order	Statute Citation	Regulatory Citation	Agency	PEIS- Applicability: Permits, Approvals, and Notifications
<i>Comprehensive Environmental Response,</i> <i>Compensation, and Liability Act/Superfund Amendments and Reauthorization Act of 1986</i>	42 U.S.C. § 9601 et seq.	40 CFR Subchapter J	EPA	Requires cleanup and notification if there is a release or threatened release of a hazardous substance; requires Federal agencies to enter into Interagency Agreements with EPA and state to control the cleanup of an agency's site on the National Priorities List.
Superfund Implementation	EO 12580	52 FR 2923 40 CFR Parts 35, 300, 303-305, 307, 44 CFR Parts 220- 222	DOE, EPA	Federal agencies shall comply with the National Contingency Plan in addition to the other requirements of the order, as amended.
<i>Polution Prevention Act of 1990</i>	42 U.S.C. § 13101 & 13102	NA	EPA	Establishes a national policy that pollution should be reduced at the source.
Greening the Government through Waste Prevention, Recycling and Federal Acquisition	EO 13101	63 FR 179	DOE, EPA	Calls for Federal agencies to recycle waste before disposal. Disposal should be a final action.
Radiological Materials and Facilities				
<i>Atomic Energy Act of 1954</i>	42 U.S.C. § 2011 et seq.	10 CFR Parts 20, 50, 70, 820, 830, 835, 851 ; 40 CFR 190	DOE, NRC, EPA	DOE develops and follows its own standards and procedures with respect to nuclear activities conducted by or on its behalf, except as otherwise provided by law, and ensures the safe operation of its facilities. NRC and Agreement States regulate commercial nuclear activity, materials, and facilities.

TABLE 6.3.1-1—Major Federal Requirements and Executive Orders with Respect to Environmental Control Remediation and Worker Safety Arranged by Topic (continued)

Statute/Regulation/ Order	Statute Citation	Regulatory Citation	Agency	PEIS- Applicability: Permits, Approvals, and Notifications
<i>Nuclear Waste Policy Act of 1982</i>	42 U.S.C. § 10101 et seq.	40 CFR Parts 191, 10 CFR Part 60	EPA, NRC, DOE	EPA is responsible for establishing the public health and safety standards for generic spent nuclear fuel and high-level waste repositories. NRC is responsible for establishing the licensing criteria and requirements for generic spent nuclear fuel and high-level waste repositories. DOE is responsible for obtaining all required licenses and disposing of spent nuclear fuel and high-level waste in a repository.
<i>Low-Level Radioactive Waste Policy Amendments Act of 1985</i>	42 U.S.C. § 2021b et seq.	10 CFR Part 61	NRC, DOE	This Act gives States the responsibility to dispose of low-level radioactive waste generated within their borders and allows them to form compacts to locate facilities to serve a group of States. The Act provides that the facilities will be regulated by the NRC or by States that have entered into Agreements with the NRC. The Act also requires the NRC to establish standards for determining when radionuclides are present in waste streams in sufficiently low concentrations or quantities as to be “below regulatory concern.” The Act also assigns the Federal Government responsibility for disposal of Greater-than-Class-C low-level waste generated by NRC-licensed activities.
<i>Energy Policy Act of 1992</i>	42 U.S.C. § 10141 note	40 CFR Part 197 10 CFR Part 63	EPA, NRC, DOE	DOE must comply with NRC and EPA regulations governing releases of radioactive materials stored or disposed of in a repository at Yucca Mountain, Nevada for the disposal of spent nuclear fuel and high-level waste.

TABLE 6.3.1-1—Major Federal Requirements and Executive Orders with Respect to Environmental Control Remediation and Worker Safety Arranged by Topic (continued)

Statute/Regulation/ Order	Statute Citation	Regulatory Citation	Agency	PEIS- Applicability: Permits, Approvals, and Notifications
			Other	
<i>National Environmental Policy Act of 1969, as amended (NEPA); Council on Environmental Quality Regulations Implementing the Procedural Provisions of NEPA; DOE regulations implementing NEPA; NRC regulations implementing NEPA</i>	42 U.S.C. § 4321 et seq.	40 CFR 1500-1508 (CEQ); 10 CFR Part 1021 (DOE); 10 CFR Part 51 (NRC)	CEQ, DOE, NRC	DOE/NRC shall implement NEPA and comply with the Council on Environmental Quality procedures.
<i>Hazardous Materials Transportation Act, as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990</i>	49 U.S.C. § 5101 et seq.	49 CFR Parts 172-180	DOT	Establishes requirements governing hazardous materials and waste transportation.
<i>Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III)</i>	42 U.S.C. § 11001 et seq.	40 CFR Parts 350-374	EPA	Requires the development of emergency response plans and reporting requirements for chemical spills and other emergency requirements covering storage and use of chemicals which are reported in toxic chemical release forms.
<i>Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements</i>	EO 12856		DOE, EPA	Requires Federal agencies to achieve 50 percent reduction of agency's total releases of toxic chemicals to the environment and offsite transfers, to publicly report toxic chemicals entering any waste stream from Federal facilities, including any release to the environment, and to improve local emergency planning, response, and accident notification.

TABLE 6.3.1-1—Major Federal Requirements and Executive Orders with Respect to Environmental Control Remediation and Worker Safety Arranged by Topic (continued)

Statute/Regulation/ Order	Statute Citation	Regulatory Citation	Agency	PEIS- Applicability: Permits, Approvals, and Notifications
<i>Noise Pollution and Abatement Act of 1972 (Noise Control Act of 1972)</i>	42 U.S.C. § 4901 et seq.	40 CFR Subchapter G		Requires facilities to maintain noise levels that do not jeopardize the health and safety of the public.
<i>Occupational Safety and Health Act of 1970</i>	29 U.S.C. § 651 et seq.	29 CFR Parts 1910, 1926		To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.
Environmental Justice	EO 12898	59 FR 7629	DOE	Federal entities are directed to identify and address disproportionately high adverse human health or environmental impacts on minority and low-income populations resulting from an agency's programs, policies, or activities. Data must be collected, analyzed, and made publicly available on race, national origin, and income level of populations in areas surrounding the Federal facility expected to have a substantial environmental, human health, or economic effect.
Strengthening Federal Environmental, Energy, and Transportation Management	EO 13423	74 FR 3919	DOE	Federal agencies conduct their environmental, transportation, and energy-related activities in an environmentally, economically, and fiscally sound, integrated, continuously improving, efficient, and sustainable manner.
Protection of Wetlands	EO 11990	42 FR 26961	USACE	Federal activities are required to avoid short- and long-term adverse impacts to wetlands whenever a practicable alternative exists.
Floodplains Management	EO 11988	42 FR 26951	USACE	Federal agencies are directed to establish procedures to ensure that the potential effects of flood hazards and floodplain management are considered for any action undertaken. Impacts to floodplains are to be avoided to the extent practicable.

TABLE 6.3.1-1—Major Federal Requirements and Executive Orders with Respect to Environmental Control Remediation and Worker Safety Arranged by Topic (continued)

Statute/Regulation/ Order	Statute Citation	Regulatory Citation	Agency	PEIS- Applicability: Permits, Approvals, and Notifications
Wetland Protection and Floodplain Management	10 CFR Part 1022	DOE	Regulations establish requirements for compliance with EOs 11990 and 11988.	
Federal Facility Compliance With Pollution Control Standards	EO 12088	43 FR 47707	DOE	Requires all Federal agencies to be in compliance with environmental laws and fully cooperate with EPA, State, interstate, and local agencies to prevent, control, and abate environmental pollution. EO 13148 revoked Section 1-4 titled “Pollution Control Plan.” No other portions of this EO were revoked by EO 13148.
<i>Wild and Scenic Rivers Act of 1968</i>	16 U.S.C. § 1271 et seq.	U.S. Fish and Wildlife Service (USFWS), Bureau of Land Management (BLM), U.S. Forest Service (USFS), National Park Service (NPS)	Consultation required before construction of any new Federal project associated with a river designated as wild and scenic or under study in order to minimize and mitigate any adverse effects on the physical and biological properties of the river.	
<i>Fish and Wildlife Coordination Act</i>	16 U.S.C. §§ 661-667e	USFWS	The Act provides that whenever the waters or channel of a body of water are modified by a department or agency of the U.S., the department or agency first shall consult with the USFWS and with the head of the agency exercising administration over the wildlife resources of the state where construction will occur, with a view to the conservation of wildlife resources. The Act provides that land, water and interests may be acquired by federal construction agencies for wildlife conservation and development. In addition, real property under jurisdiction or control of a federal agency and no longer required by that agency can be utilized for wildlife conservation by the state agency exercising administration over wildlife resources upon that property.	

TABLE 6.3.1-1—Major Federal Requirements and Executive Orders with Respect to Environmental Control Remediation and Worker Safety Arranged by Topic (continued)

Statute/Regulation/ Order	Statute Citation	Regulatory Citation	Agency	PEIS- Applicability: Permits, Approvals, and Notifications
<i>Endangered Species Act</i>	16 U.S.C. §§ 1531-1544	50 CFR Parts 17, 402	USFWS; National Marine Fisheries Service	The Act is written to protect species and also “the ecosystems upon which they depend.” It encompasses plants and invertebrates as well as vertebrates. It does not expressly include fungi. Federal agencies are forbidden from authorizing, funding, or carrying out any action which “destroys or adversely modifies” critical habitat.
<i>Migratory Bird Treaty Act</i>	16 U.S.C. §§ 703-712		USFWS	The statute makes it unlawful to pursue, hunt, take, capture, kill or sell birds listed therein (“migratory birds”). The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs and nests. Over 800 species are currently on the list.
<i>Bald and Golden Eagle Protection Act (BGEPA)</i>	16 U.S.C. §§ 668a-668d		USFWS	The BGEPA prohibits any form of possession or taking of both bald and golden eagles. The statute imposes criminal and civil sanctions as well as an enhanced penalty provision for subsequent offenses. Further, the BGEPA provides for the forfeiture of anything used to acquire eagles in violation of the statute. The statute excepts from its prohibitions on possession the use of eagles or eagle parts for exhibition, scientific, and Indian religious uses.
<i>Wild Free and Roaming Horses and Burros Act</i>	16 U.S.C. §§ 1331-1340		USFWS	The Act provides for the protection of wild free-roaming horses and burros. The Act directs the BLM and the USFS to manage wild horses and burros on lands under their jurisdiction.

TABLE 6.3.1-2—Selected Department of Energy Directives

DOE Directive	Directive Title
5400.5	Radiation Protection of the Public and the Environment
5480.19 Chg. 2	Conduct of Operations Requirements for DOE Facilities
5480.20A Chg 1	Personnel Selection, Qualification and Training Requirements for DOE Nuclear Facilities
5530.3 Chg 1	Radiological Assistance Program
5530.4	Aerial Measuring System
5530.5 Chg 1	Federal Radiological Monitoring and Assessment Center
5660.1B	Management of Nuclear Materials
141.1	Management of Cultural Resources
141.2	Public Participation and Community Relations
151.1C	Comprehensive Energy Management System
153.1	Departmental Radiological Emergency Response Assets
225.1A	Accident Investigations
M 231.1 Chg 2	Environment, Safety and Health Reporting Manual
231.1A Chg 1	Environment, Safety and Health Reporting
231.1-2	Occurrence Reporting and Processing of Operations Information Manual
413.3A	Program and Project Management for the Acquisition of Capital Assets
414.1C	Quality Assurance
420.1B	Facility Safety
420.1-2	Guide for the Mitigation of Natural Phenomena Hazards for DOE Nuclear Facilities and Nonnuclear Facilities
425.1C	Start-up and Restart of Nuclear Facilities
430.1	Land Use and Facility Planning
430.1B Chg 1	Real Property Asset Management
430.2B	Departmental Energy, Renewable Energy and Transportation Management
435.1 Chg 1	Radioactive Waste Management
440.1B	Worker Protection Program for DOE (Including the National Nuclear Security Administration) Federal Employees
441.1	Radiological Health and Safety Policy
441.1-1C	Radiation Protection Programs Guide for Use with Title 10, Code of Federal Regulations, Part 835, Occupational Radiation Protection
450.1A	Environmental Protection Program
450.4	Safety Management System Policy
451.1B Chg 1	<i>National Environmental Policy Act</i> Compliance Program
460.1B	Packaging and Transportation Safety
460.2A	Departmental Materials Transportation and Packaging Management
470.2B	Independent Oversight and Performance Assurance Program
470.4A	Safeguards and Security Program

6.4 CONSULTATION

Some environmental laws and EO^s are integrated into the NEPA process and establish guidelines for review. Pursuant to NEPA and DOE Regulations (10 CFR Part 1021), consultations are conducted with outside Federal, state, and tribal agencies having jurisdiction or special expertise. Agencies involved include those responsible for protecting significant resources, such as endangered species, critical habitats, historic resources, or tribal agreements.

6.5 WASTE CLASSIFICATION

Under the GNEP programmatic alternatives, regulatory issues relating to classification of waste streams would be taken into account, and future NEPA analyses would be required prior to determining the final disposition paths. For example, the separated cesium (Cs) and strontium (Sr) waste stream would need to be evaluated to determine whether the Cs and Sr, when decayed, would be considered HLW or LLW. Also, certain wastes generated by reprocessing activities, such as fuel assembly components and gases, would need to be evaluated for determination as HLW requiring disposition in a repository, or another waste categorization based upon hazard and disposal requirements. These waste streams are considered further in Chapter 4.